

MOTION BY SUPERVISORS JANICE HAHN
AND SHEILA KUEHL

February 19, 2019

Title IV-E Child Welfare Waiver Extension

Title IV-E child welfare waivers were established under Section 1130 of the Social Security Act to allow states to develop and implement innovative approaches to the delivery of child welfare services. Currently, 25 jurisdictions operate under the Title IV-E waiver, including one tribe, the District of Columbia, and 23 states. California's waiver uses a flexible-funding concept that allows the seven participating counties, including Los Angeles County (County), to increase investments in upfront prevention services and reduce lengths of stay or prevent entry into foster care. In 2011, Congress passed legislation that terminates all existing waivers by September 30, 2019.

In February of 2018, the President signed a major child welfare funding reform bill, the Family First Prevention Services Act (FFPSA), which allows Federal funds to be used for limited prevention services while restricting the use of Federal funds for congregate care placement. The narrow definition of prevention services in FFPSA will restrict the use of Federal funds for child welfare services in the County, as compared to the much broader array of upfront prevention services currently supported under the Title IV-E waiver. Key provisions of FFPSA take effect October 1, 2019, the day after

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the Title IV-E waivers expire, though states are afforded the option to delay implementation of specified provisions of FFPSA for up to two years.

On January 10, 2019, Senator Dianne Feinstein (D-CA) and Senator Marco Rubio (R-FL) introduced the “State Flexibility for Family First Transitions Act” (S. 107). This legislation would permit states and counties to extend existing Title IV-E waivers for up to two years, which parallels the optional two-year implementation delay provided by FFPSA. The bill has been referred to the Senate Finance Committee.

Since the implementation of the waiver, the County has achieved significant improvements across a number of outcomes, including a 48 percent decrease in the average length of stay in out-of-home care and a 20.5 percent reduction in the number of children entering foster care. Additionally, the waiver has allowed the County to implement innovative strategies to improve coordination between the child welfare and juvenile justice systems to reduce the likelihood that at-risk youth will enter or re-enter out-of-home care. The effectiveness of these strategies is evidenced by a 70 percent decrease in the number of probation youth in out-of-home care.

As the most populous county in the United States, the County is responsible for approximately 35,000 youth in foster care and 6,000 youth involved in the juvenile justice system. The County is committed to promoting the health and well-being of all children and advancing improvements in child abuse and neglect prevention in order to strengthen families and avert the out-of-home placement of children.

The County strongly supports an extension of its current Title IV-E child welfare waiver, which would be achieved by the enactment of S. 107 or companion legislation that may be introduced in the House of Representatives. Without a period of transition to FFPSA, vulnerable children and families will be at risk of a disruption of critical services and supports.

WE, THEREFORE MOVE that the Board of Supervisors:

- 1) Direct the Chief Executive Office to send a five-signature letter to the Secretary of the U.S. Department of Health and Human Services, Senate and House Leadership, Chairs and Ranking Members of the House Ways and Means Committee and the Senate Finance Committee, and the California Congressional Delegation expressing support of legislation, including S. 107, that would secure a multi-year extension of the Title IV-E child welfare waiver to build on the progress and investments that have been made to date, as well as ensure the successful transition to the State Flexibility for Family First Transitions Act; and
- 2) Direct the Chief Executive Office to send a five-signature letter to Governor Gavin Newsom to express concerns with the expiration of the Title IV-E child welfare waiver on September 30, 2019, and to request support in securing a multi-year extension of the waiver.

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